IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5704 of 2007()

CRIME NO.277/07 OF CHERTHALA POLICE STATION

: PETITIONER/2ND ACCUSED

BINI SHIVADAS, AGED 32 YEARS,
W/O. SHIVADAS, VADAKKE PARAMBIL, POONTHOPPU WARD,
AVALUKKUNNU P.O., ALAPPUZHA-6.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTING
SUB INSPECTOR OF POLICE, CHERTHALA POLICE
STATION, THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5704 of 2007

Dated this the 1st day of October, 2007

ORDER

Application for anticipatory bail. The petitioner, a woman, is the 2nd accused. The crux of the allegations is that amount paid by the defacto complainant by demand draft as premium in an insurance policy to accused 1 to 3 was misutilised fraudulently for some other purpose by the accused. Investigation is in progress. Accused 3, the husband of the petitioner has already been arrested. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. She has nothing to do with the transaction. Her husband has already been arrested. The amounts which were allegedly misappropriated by the 1st accused have been paid to the victim. In these circumstances, the petitioner may not be forced to endure the undeserved trauma of arrest and detention, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor only prays that appropriate conditions may be imposed. Having considered all the relevant inputs, I am persuaded to agree that directions under Section 438 Cr.P.C can be issued in favour of the petitioner.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 08.10.2007. She shall be enlarged on regular bail on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 09.10.2007 and 10.10.2007 and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to her surrender on 08.10.07 as directed in clause (1) above, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 08.10.07.

(R.BASANT, JUDGE)

rtr/-